

REMARKS

Status of the Claims

Applicant respectfully requests reconsideration of the instant application in view of the above amendments and the following remarks. Upon entry of the amendment, claims 1-18 will be pending in the application. Of these, claims 1, 4, 7, 10, 13 and 16 are independent. Claims 1, 4, 7 and 10-16 are sought to be amended. The specification is also sought to be amended. Applicant believes that these changes introduce no new matter. Entry and consideration of this amendment are respectfully requested.

Objection to the Disclosure

The disclosure is objected to because of informalities. Applicant amended the specification as suggested by the Examiner. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to the disclosure.

Claim Rejections under 35 U.S.C. § 101

Claims 10-17 stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Claims 10-15 were previously directed to a machine-readable medium. Applicant has amended claims 10-15 to recite a “computer-readable medium”. Claims 16 and 17 are directed to an apparatus and stand rejected under 35 U.S.C. § 101. Claim 18 depends from claim 16 and is also directed to an apparatus. Claim 18 is not currently rejected under 35 U.S.C. § 101. Accordingly, Applicant believes that claims 16 and 17 were mistakenly rejected under 35 U.S.C. § 101. For at least these reasons, Applicant respectfully requests

that the rejections to claims 10-17 under 35 U.S.C. § 101 be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2005/0081245 A1 (hereinafter referred to as “Arad”) in view of U.S. Patent No. 6,675,388 B1 (hereinafter referred to as “Beckmann”). Claims 4, 7, 10, 13 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arad in view of Beckmann and in further view of U.S. Patent Application No. 2004/0068737 A1 (hereinafter referred to as “Itoh”). Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arad in view of Beckmann and in further view of Itoh and in further view of U.S. Patent No. 4,566,034 (hereinafter referred to as “Harger”). Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arad in view of Beckmann and in further view of Itoh and in further view of U.S. Patent No. 5,900,916 (hereinafter referred to as “Pauley”). Applicant respectfully traverses these rejections for at least the following reasons.

Amended independent claims 1 and 10 each include a similar feature of: if a tuner is not available for the television, then receiving an indication of a cable channel that was last RF-remodulated to the RF-remodulated channel for the television; and automatically changing the television to the cable channel to satisfy expectations of a user when the tuner is not available for the television. Amended independent claims 4, 7, 13 and 16 each include a similar feature of: if a tuner is not available for the television, then receiving an indication of a cable channel that was last RF-remodulated to the RF-remodulated channel for the television; and automatically changing the television with the remote control to the cable

channel to satisfy expectations of a user when the tuner is not available for the television.

Accordingly, the present claimed invention addresses user expectations when the last cable channel viewed by the user was RF-remodulated to the RF-remodulated channel for the television but now the tuner is not available. The claimed invention addresses the user expectations by automatically changing the television to the last viewed cable channel. The Examiner cites Arad at paragraphs [0081] and [0091] to teach the claimed feature. Applicants respectfully assert that Arad at paragraph [0081] (lines 6-8) states: "The channel whose signature has the least differences is selected as the channel to which the tuner is tuned." Applicant asserts that the claimed feature addresses what happens when the tuner is not available. Arad discloses determining what channel to which to tune the tuner. Applicant further asserts that the claimed invention determines the last viewed cable channel as the one to which to automatically change the television. Arad discloses the channel whose signature has the least differences is selected as the channel to which the tuner is tuned. Accordingly, Arad does not teach or suggest the claimed invention.

A careful review of Arad, Beckmann, Itoh, Harger and Pauley, either taken alone or in combination, failed to teach or suggest the claimed feature. For at least this reason, amended independent claims 1, 4, 7, 10, 13 and 16 and their respective dependent claims are distinguishable from Arad, Beckmann, Itoh, Harger and Pauley, either taken alone or in combination. Accordingly, Applicant respectfully requests that the rejections to these claims under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Applicant does not otherwise concede the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby

reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-0931 if there remains any issue with allowance of the case.

CONCLUSION

Applicant respectfully submits that all of the stated grounds of objections and rejections have been properly traversed accommodated or rendered moot. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejections, and allowance of this application.

Respectfully submitted,
Intel Corporation

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